

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 UNITED STATES OF AMERICA,

11 Plaintiff,

12 v.

13 DARRYL KILGORE,

14 Defendant.

CASE NO. CR17-0203-JCC

ORDER

15 This matter comes before the Court on the Government's motion to vacate the trial date
16 and to set a status conference (Dkt. No. 291). On March 17, 2020, the Court issued General
17 Order No. 02-20, which provides that “[a]ll civil and criminal hearings and trial date in [the
18 Seattle and Tacoma] Courthouses scheduled to occur before June 1, 2020, are continued pending
19 further order of the Court” and that:

20 With regard to criminal matters, due to the Court's reduced ability to obtain an
21 adequate spectrum of jurors and the effect of the above public health
22 recommendations on the availability of witnesses, counsel and Court staff to be
23 present in the courtroom, the time period of the continuances implemented by this
24 General Order will be excluded under the Speedy Trial Act, as the Court
25 specifically finds that the ends of justice served by ordering the continuances
26 outweigh the best interests of the public and any defendant's right to a speedy trial,
pursuant to 18 U.S.C. § 3161(h)(7)(A). For the same reasons, the Court finds under
18 U.S.C. § 3060(C) extraordinary circumstances exist, and justice requires delay
of all criminal preliminary hearings during the time period of the continuances
implemented by this order.

1 W.D. Wash., General Order 02-20 §§ 2, 4 (Mar. 17, 2020); *see* W.D. Wash., General Order 08-
2 20 (May 13, 2020) (extending procedures established by General Orders 02-20 and 03-20 for 30
3 days).

4 Having thoroughly considered the Government's motion and the Court's General Orders,
5 the Court hereby FINDS as follows:

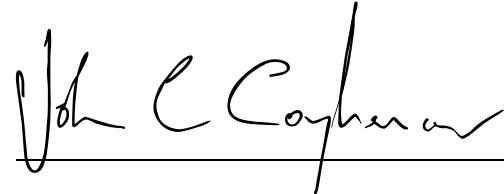
- 6 1. For the reasons set forth in the motion and General Order 02-20, the ends of justice
7 served by granting a continuance outweigh the best interests of the public and Defendant
8 in a speedy trial, 18 U.S.C. § 3161(h)(7)(A); and
- 9 2. Failure to grant a continuance would likely make trial impossible, result in a miscarriage
10 of justice, and deny counsel for both parties the reasonable time necessary for effective
11 preparation, taking into account the exercise of due diligence, 18 U.S.C.
12 § 3161(h)(7)(B)(i), (B)(iv).

13 For the foregoing reasons, the Government's motion to vacate the trial date and to set a
14 status conference (Dkt. No. 291) is GRANTED. It is therefore ORDERED that the trial date of
15 July 13, 2020, is VACATED and a status conference is scheduled for August 4, 2020, at 9:00
16 a.m. At the status conference, the parties must propose a new trial date and pretrial motions
17 deadline.

18 The Court further ORDERS that the time between the date of this order and the status
19 conference is excludable time under the Speedy Trial Act, pursuant to 18 U.S.C.
20 §§ 3161(h)(7)(A), 3161(h)(7)(B)(ii), and 3161(h)(7)(B)(iv).

21 DATED this 26th day of May 2020.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE